

**House File 79 - Introduced**

HOUSE FILE 79

BY FISHER

**A BILL FOR**

1 An Act modifying sex offender registry requirements by  
2 requiring sex offenders whose registration requirements have  
3 expired to reregister, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 692A.102, subsection 1, unnumbered  
2 paragraph 1, Code 2019, is amended to read as follows:

3 For purposes of **this chapter**, all individuals required to  
4 register shall be classified as a tier I, tier II, ~~or tier~~  
5 III, or tier IV offender. For purposes of **this chapter**, sex  
6 offenses are classified into the following tiers:

7 Sec. 2. Section 692A.102, subsection 1, Code 2019, is  
8 amended by adding the following new paragraph:

9 NEW PARAGRAPH. *d.* Tier IV offenses include a conviction  
10 for any sex offense that required a sex offender to register  
11 in this state or under another jurisdiction's sex offender  
12 registry but such registration requirement has since expired.

13 Sec. 3. Section 692A.103, subsection 1, unnumbered  
14 paragraph 1, Code 2019, is amended to read as follows:

15 A person who has been convicted of any sex offense classified  
16 as a tier I, tier II, or tier III offense, or an offender  
17 required to register in another jurisdiction under the other  
18 jurisdiction's sex offender registry, shall register as a sex  
19 offender as provided in **this chapter** if the offender resides,  
20 is employed, or attends school in this state. A person who  
21 has been convicted of any sex offense classified as a tier  
22 IV offense shall register as a sex offender as provided in  
23 section 692A.104A if the offender resides in this state. A sex  
24 offender shall, upon a first or subsequent conviction, register  
25 in compliance with the procedures specified in **this chapter**,  
26 for the duration of time specified in **this chapter**, commencing  
27 as follows:

28 Sec. 4. Section 692A.103, subsection 1, Code 2019, is  
29 amended by adding the following new paragraphs:

30 NEW PARAGRAPH. *g.* From the date of establishing a residence  
31 in this state if the sex offender is a tier IV offender.

32 NEW PARAGRAPH. *h.* From the date the registration  
33 requirements expire under this chapter for a tier I, II, or  
34 III offender and the sex offender is reclassified as a tier IV  
35 offender.

1     Sec. 5. NEW SECTION. 692A.104A Tier IV — registration  
2 process — duration of registration.

3     1. Notwithstanding any other Code provision to the  
4 contrary, a sex offender classified as a tier IV offender  
5 shall register and shall provide all relevant information  
6 as specified in this section. All other provisions of this  
7 chapter not in conflict with this section shall apply to a tier  
8 IV offender. A sex offender classified as a tier IV offender  
9 shall, within thirty days of being required to register under  
10 section 692A.103, appear in person to register with the sheriff  
11 of the county where the principal residence of the offender is  
12 maintained. The sex offender is only required to provide the  
13 sheriff the following relevant information:

14     a. Name.

15     b. Date of birth.

16     c. Principal residence.

17     d. Photograph.

18     e. County in this state or jurisdiction outside this state  
19 where a conviction requiring registration occurred.

20     2. a. A tier IV offender is not required to verify any  
21 relevant information as required by section 692A.108.

22     b. However, if a tier IV offender establishes a different  
23 principal residence in this state the offender shall, within  
24 thirty days of establishing the different principal residence,  
25 appear in person to register with the sheriff of the county  
26 where the principal residence is maintained even if that  
27 different principal residence is in the same county as the  
28 previous residence and provide the county sheriff with the  
29 relevant information required under subsection 1.

30     3. A tier IV offender shall be required to register for as  
31 long as the offender resides in this state.

32     Sec. 6. Section 692A.106, subsection 1, Code 2019, is  
33 amended to read as follows:

34     1. Except as otherwise provided in [section 232.54](#),  
35 [692A.103](#), [692A.104A](#), or [692A.128](#), or [this section](#), the duration

1 of registration required under [this chapter](#) shall be for a  
2 period of ten years. The registration period shall begin as  
3 provided in [section 692A.103](#).

4 Sec. 7. Section 692A.110, subsection 1, Code 2019, is  
5 amended to read as follows:

6 1. A sex offender shall pay an annual fee in the amount of  
7 twenty-five dollars to the sheriff of the county of principal  
8 residence, beginning with the first required in-person  
9 appearance at the sheriff's office after July 1, 2009. A tier  
10 IV offender shall pay twenty-five dollars to the sheriff of the  
11 county of principal residence at any time when the offender  
12 is required to register under section 692A.104A. If the sex  
13 offender has more than one principal residence in this state,  
14 the offender shall pay the annual fee in the county where the  
15 offender is first required to appear in person after July 1,  
16 2009. The sheriff shall accept the registration. If, at the  
17 time of registration, the sex offender is unable to pay the  
18 fee, the sheriff may allow the offender time to pay the fee,  
19 permit the payment of the fee in installments, or may waive  
20 payment of the fee. Fees paid to the sheriff shall be used to  
21 defray the costs of duties related to the registration of sex  
22 offenders under [this chapter](#).

23 Sec. 8. Section 692A.111, subsection 1, Code 2019, is  
24 amended to read as follows:

25 1. A sex offender who violates any requirements of section  
26 692A.104, 692A.104A, [692A.105](#), [692A.108](#), [692A.112](#), [692A.113](#),  
27 [692A.114](#), or [692A.115](#) commits an aggravated misdemeanor for a  
28 first offense and a class "D" felony for a second or subsequent  
29 offense. However, a sex offender convicted of an aggravated  
30 offense against a minor, a sex offense against a minor, or a  
31 sexually violent offense committed while in violation of any  
32 of the requirements specified in [section 692A.104](#), 692A.104A,  
33 [692A.105](#), [692A.108](#), [692A.112](#), [692A.113](#), [692A.114](#), or [692A.115](#)  
34 is guilty of a class "C" felony, in addition to any other  
35 penalty provided by law. Any fine imposed for a second or

1 subsequent violation shall not be suspended. Notwithstanding  
2 section 907.3, the court shall not defer judgment or sentence  
3 for any violation of any requirements specified in this  
4 chapter. For purposes of this subsection, a violation occurs  
5 when a sex offender knows or reasonably should know of the  
6 duty to fulfill a requirement specified in this chapter as  
7 referenced in the offense charged.

8 Sec. 9. Section 692A.121, subsection 2, paragraph b,  
9 unnumbered paragraph 1, Code 2019, is amended to read as  
10 follows:

11 The general public through the sex offender registry  
12 internet site, except the general public shall not have access  
13 to tier IV offender relevant information through the internet  
14 site.

15 Sec. 10. Section 692A.121, subsection 5, paragraph a,  
16 unnumbered paragraph 1, Code 2019, is amended to read as  
17 follows:

18 A member of the public may contact a county sheriff's office  
19 to request relevant information from the registry regarding a  
20 specific sex offender, including relevant information relating  
21 to a tier IV offender as specified in section 692A.104A,  
22 subsection 1. A person making a request for relevant  
23 information may make the request by telephone, in writing, or  
24 in person, and the request shall include the name of the person  
25 and at least one of the following identifiers pertaining to the  
26 sex offender about whom the information is sought:

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with  
29 the explanation's substance by the members of the general assembly.

30 This bill modifies the sex offender registry requirements by  
31 requiring sex offenders whose registration requirements have  
32 expired to reregister.

33 The bill creates a tier IV offense and defines a tier IV  
34 offense to mean any sex offense that required a sex offender  
35 to register in this state or under another jurisdiction's sex

1 offender registry but such registration has since expired.

2 The bill requires a person who has been convicted of any  
3 sex offense classified as a tier IV offense to register as a  
4 sex offender in this state from the date the requirements to  
5 register as a tier I, II, or III offender in this state expire  
6 or when the person establishes a residence in this state. A  
7 tier IV offender shall register as a tier IV offender in this  
8 state as long as the person resides in this state.

9 The bill establishes the registration requirements for a  
10 tier IV offender which are different from other sex offenders  
11 who are required to register. Under the bill, a tier IV  
12 offender shall, within 30 days of establishing a residence in  
13 this state or from the date the requirement to register as a  
14 tier I, II, or III offender in this state expires, appear in  
15 person to register with the sheriff of the county where the  
16 principal residence of the offender is maintained. At the time  
17 of registration, the tier IV offender is required to provide  
18 the sheriff with the offender's name, date of birth, residence,  
19 photograph, and county or jurisdiction where conviction  
20 requiring registration occurred. Current law provides that any  
21 new sex offender registrant must register with the sheriff of  
22 the county where the principal residence is maintained within  
23 five days of being required to do so and also requires a sex  
24 offender to provide more relevant information to the county  
25 sheriff. Under current law, the relevant information required  
26 to be provided to the county sheriff is listed in Code section  
27 692A.101(23).

28 The bill does not require a tier IV offender to periodically  
29 verify any relevant information or to notify the county sheriff  
30 when certain relevant information has changed. However,  
31 the bill does require a tier IV offender who establishes  
32 a different residence in this state to, within 30 days of  
33 establishing such a residence, appear in person to register  
34 with the sheriff of the county where the principal residence  
35 is maintained even if that different principal residence is

1 in the same county as the previous residence and provide the  
2 county sheriff with the relevant information required by the  
3 bill including allowing the sheriff to photograph the offender.

4 The bill prohibits the posting of relevant information  
5 relating to tier IV on the sex offender registry internet site.  
6 The bill does permit a member of the public to contact the  
7 county sheriff's office to request relevant information about  
8 a tier IV offender, if the person provides the name of the sex  
9 offender and one of the following identifiers: date of birth,  
10 social security number, address, internet identifiers, or  
11 telephone number.

12 The bill requires a tier IV offender to pay \$25 to the  
13 sheriff of the county of principal residence at any time when  
14 the offender is required to register, including when the  
15 offender establishes a different principal residence. Current  
16 law requires a sex offender to pay a \$25 annual fee to the  
17 county sheriff.

18 A tier IV offender who violates the bill commits an  
19 aggravated misdemeanor for a first offense and a class "D"  
20 felony for any second or subsequent offense. A tier IV  
21 offender is guilty of a class "C" felony if the offender  
22 is convicted of an aggravated offense against a minor, a  
23 sex offense against a minor, or a sexually violent offense  
24 committed while in violation of any of the requirements  
25 specified in the bill.

26 Depending on the nature of the offense committed, a tier  
27 IV offender may be subject to exclusion zones and prohibition  
28 of certain employment-related activities under Code section  
29 692A.113, residency and child care restrictions under Code  
30 section 692A.114, and restricted employment where dependent  
31 adults reside under Code section 692A.115.

32 A tier IV offender is not eligible to modify the registration  
33 requirements pursuant to Code section 692A.128.